

PHARMACY BOARD[657]**Adopted and Filed**

Pursuant to the authority of Iowa Code sections 124.301 and 147.76, the Board of Pharmacy hereby amends Chapter 8, “Universal Practice Standards,” and Chapter 21, “Electronic Data in Pharmacy Practice,” Iowa Administrative Code.

The amendments authorize a prescriber to direct the prescriber’s agent to transmit to a pharmacy a new prescription drug order that has been manually or electronically signed by the prescriber. The transmission shall identify the prescriber’s agent by name and title. The amendments also authorize the transmission by a prescriber’s agent of a prescription refill or renewal as directed by the prescriber. The transmission, if electronic and if the refill or renewal order is identical to the original order, shall not require the written or electronic signature of the prescriber. However, the name and title of the prescriber’s agent shall be included in the electronic transmission.

Requests for waiver or variance of the discretionary provisions of these rules will be considered pursuant to 657—Chapter 34.

Notice of Intended Action was published in the July 1, 2009, Iowa Administrative Bulletin as **ARC 7910B**. The Board received written comments from an association representing a group of pharmacies. The comments suggested that pharmacists should not be placed in the position of enforcing requirements imposed on prescribers and the prescribers’ agents. The adopted amendments are identical to those published under Notice.

The amendments were approved during the August 17, 2009, meeting of the Board of Pharmacy.

These amendments will become effective on October 28, 2009.

These amendments are intended to implement Iowa Code sections 124.308 and 126.11, and Iowa Code sections 155A.27 and 155A.29 as amended by 2009 Iowa Acts, House File 381, sections 5 and 6.

The following amendments are adopted.

ITEM 1. Amend subrule 8.19(2) as follows:

8.19(2) *Transmitting agent.* The prescribing practitioner may authorize an agent to transmit to the pharmacy a prescription drug order or medication order orally or by electronic transmission provided that the name of the transmitting agent is included in the order.

a. New order. A new written or electronically prepared and transmitted prescription drug or medication order shall be manually or electronically signed by the prescriber. If transmitted by the prescriber’s agent, the name and title of the transmitting agent shall be included in the order.

b. Refill order or renewal order. An authorization to refill a prescription drug or medication order, or to renew or continue an existing drug therapy, may be transmitted to a pharmacist through oral communication, in writing, or by electronic transmission initiated by or directed by the prescriber.

(1) If the transmission is completed by the prescriber’s agent and the name and title of the transmitting agent is included in the order, the prescriber’s signature is not required on the fax or alternate electronic transmission.

(2) If the order differs in any manner from the original order, such as a change of the drug strength, dosage form, or directions for use, the prescriber shall sign the order as provided by paragraph “a.”

ITEM 2. Amend rule 657—21.9(124,155A) as follows:

657—21.9(124,155A) Facsimile transmission (fax) of a prescription. A pharmacist may dispense noncontrolled and controlled drugs, excluding Schedule II controlled substances, pursuant to a prescription faxed to the pharmacy by the prescribing practitioner or the practitioner’s agent. The means of transmission shall ensure that prescription information is not obscured or rendered illegible due to security features of the paper utilized by the prescriber to prepare a written prescription. The faxed prescription drug order shall serve as the original prescription, shall be maintained for a minimum of two years from the date of last fill or refill, and shall contain all information required by Iowa Code

section 155A.27, including the prescriber's signature or electronic signature. The faxed prescription drug order, if transmitted by the practitioner's agent, shall identify the transmitting agent by name and title and shall include the prescriber's signature or electronic signature. The receiving pharmacist shall be responsible for verifying the authenticity of an electronically transmitted prescription or of an electronic signature as provided by rule 657—8.19(124,126,155A) or 657—21.3(124,155A). This rule shall not apply to a prescription drug order transmitted pursuant to 657—subrule 8.15(1), paragraph "d."

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EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 9/23/09.